

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Date: November 9, 2007
Appellants : John W. SUSSMEIER et al.	Attorney Docket : F-802
Application No. : 10/803,636	Customer No. : 00919
Filed : March 18, 2004	Confirmation No. : 5369
Examiner : Prone, J.	Group Art Unit : 3724
Title : SYSTEM AND METHOD FOR PROVIDING SHEETS TO AN INSERTER SYSTEM USING A HIGH SPEED CUTTER AND RIGHT ANGLE TURN	

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Commissioner for Patents
P.O. Box 1450
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Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, Appellants present this Reply to the Examiner's Answer mailed November 2, 2007. If any fees are required in connection with the filing of this paper, Appellants request that they be charged to Deposit Account No. 16-1885.

REMARKS

I. Status of Claim Rejections

In response to the Appeal Brief filed September 12, 2007, the Examiner has maintained the rejection of claims 1, 2, 4-9, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,443,447 to Ifkovits et al. ("Ifkovits") in view of U.S. Patent No. 5,439,208 to Moser et al. ("Moser").

II. Response to Examiner's Arguments in Examiner's Answer

Appellants respectfully traverse the above rejection of claims 1, 2, 4-9, 11, and 12 for the reasons discussed in the Appeal Brief. Further, Appellants respectfully disagree with the assertions set forth in the Examiner's Answer and provide the following response.

In the Examiner's Answer at page 5, it was asserted that the "claims disclose the phrase 'the first velocity being a function of the cutting rate multiplied by the width of the individual sheets' however the claim does not provide any specific numbers for this equation."

A. Ifkovits fails to teach or suggest the claimed subject matter

The relevant portion of claim 1 recites a "**right angle turn transport** transporting individual sheets at a first velocity, the first velocity being a function of the cutting rate multiplied by the width of the individual sheets." Appeal Brief at Section VIII. (Emphasis added.) The term "right angle turn transport" was defined in the as-filed specification at page 11, lines 19-21:

Collectively, the transport mechanisms may be referred to herein as the "right angle turn transport," and include rollers 23, 24, 36, and turn bars 32 and 33.

Thus, the claimed “right angle turn transport” includes (1) rollers upstream of the right angle turn mechanism, (2) the turn bars of the right angle turn mechanism, and (3) rollers downstream of the right angle turn mechanism. See as-filed drawings at Fig. 2.

Appellants respectfully submit that, contrary to the Examiner’s assertion, there is no teaching or suggestion in Ifkovits of a “right angle turn transport transporting individual sheets at a first velocity,” as recited in claim 1. (Emphasis added.) Although the components of Ifkovits corresponding to the claimed “right angle turn transport” were not identified in either the final Office Action or the Examiner’s Answer, those components presumably comprise the “web cutter 10,” the “right angle transport device 50,” and the “sheet accumulator 60.” Ifkovits at col. 3, lines 47-62 and Fig. 2.

As discussed at length in the Appeal Brief, the web cutter of Ifkovits transports sheets at a “first moving speed” and a “second moving speed.” *Id.* at col. 2, lines 3-9. However, Ifkovits is silent as to the transport velocity of sheets in both the right angle transport device 50 and the sheet accumulator 60. Because Ifkovits is silent as to the sheet transport velocity in the components corresponding to the right angle turn transport, it necessarily fails to teach or suggest a “right angle turn transport transporting individual sheets at a first velocity,” as recited in claim 1.

As discussed in the Appeal Brief, Moser fails to overcome the deficiencies of Ifkovits discussed above.

B. “Specific numbers” are not required for the claimed device and method

The control of the transport velocity according to the invention is described in the as-filed specification at least at page 18, line 1 through page 19, line 6. Appellants respectfully submit that the specification provides a complete description of the

components according to embodiments of the invention, as well as relevant equations and definitions of variables in those equations. Appellants further submit that "specific numbers" are not necessary to define over the cited references, as implied in the Examiner's Answer.

III. Conclusion

In view of the foregoing, Appellants respectfully request that the rejection be reversed.

Please grant any extensions of time required to enter this brief and charge any additional required fees to our Deposit Account No. 16-1885.

Respectfully submitted,

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